

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 21, 2004

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and D. Nolan,
Deputy Clerk.

Vogel, J. leaves the bench.

B168193 Suvimol Nakarangkul
 v.
 County of Los Angeles

Merits:

Argued by David H. Greenberg for appellant and by Calvin House for
respondent. Cause submitted.

Vogel, J. returns to the bench.

B164681 Hawthorne Plaza
 v.
 M & A Gabae, et al.

Merits:

Argued by Treg A. Julander for appellant and by Fred Gaines for
respondents. Cause submitted.

Ortega, J. leaves the bench.

April 21, 2004 (Continued)

DIVISION ONE (Continued)

B164142 In re Marriage
 of
 Norma T. and Alfred S.

Merits:

Argued by Daniel W. Rinaldelli for appellant and by Stephen Gassner for respondent. Cause submitted.

B172327 Concepcion Villarreal, et al.
 v.
 Superior Court, Los Angeles County
 (Greyhound Bus Lines, Inc., et al., r.p.i.)

Merits:

Argued by Clay Robbins III for petitioners and by David Ozeran for real parties in interest. Cause submitted.

Court recessed.

Court reconvened at 11:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and D. Nolan, Deputy Clerk.

B168646 Harvey S. Frey
 v.
 The City of Santa Monica

Merits:

Argued by Harvey S. Frey appellant in propria persona and by Cara E. Silver for respondent. Cause submitted.

Court adjourned.

April 21, 2004 (Continued)

DIVISION ONE (Continued)

B172966 Latisha W. (Not for Publication)
v.
Superior Court, Los Angeles County
(L.A. Department of Children and Family Services, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B168496 People (Not for Publication)
v.
Rangel, et al.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B170981 People (Not for Publication)
v.
Bries

The order granting Brie's motion to dismiss the felony count is reversed and the cause is remanded to the trial court to permit the People to proceed with the prosecution of that court.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

April 21, 2004 (Continued)

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B161167 Johnson (Not for Publication)
v.
McDonald's Corporation

The judgment is affirmed. Respondent(s) to recover costs.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B166029 People
v.
Peter Albert Zuniga

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

B166802 Holmes, et al. (Not for Publication)
 v.
 Goodridge

The order granting a new trial for plaintiffs is reversed and the "Amended Judgment On Special Verdict," dated February 5, 2003, is reinstated. Defendant Goodridge is awarded her costs on appeal.

Boren, P.J.

We concur: Nott, J.
 Ashmann-Gerst, J.

B164972 Sacks, et al. (Not for Publication)
 v.
 Cayman Investment and Consulting Company, LTD, et al.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Doi Todd, J.

B166700 People (Certified for Publication)
 v.
 Rudy F.

The orders denying appellant's motion to suppress evidence and declaring appellant a ward of the court are reversed and the cause remanded to the superior court with directions to vacate appellant's admissions of the allegations in the petition if he makes an appropriate motion within 30 days after this opinion becomes final. In that event, the court is directed to reinstate the original allegations in the petition, if the People so move, and to proceed to trial or make other appropriate disposition. If appellant fails to make such a motion, the juvenile court is directed to reinstate the original order.

Boren, P.J.

We concur: Nott, J.
 Doi Todd, J.

April 21, 2004 (Continued)

DIVISION THREE

B165754 Arnaldo A., et al.
v.
Juan C., et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B167727 In Re Elvis Ponce De Leon on Habeas Corpus

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

B168565 People (Not for Publication)
v.
Rice

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B168619 Los Angeles County, D.C.S. (Not for Publication)
v.
Merritt H. and Yvonne A.

The orders are affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

April 21, 2004 (Continued)

DIVISION FOUR (Continued)

B161806 Henson (Not for Publication)
v.
AT&T Corporation, et al.

The judgment is affirmed.

Curry, J.

We concur: Hastings, Acting P.J.
Ashmann-Gerst, J. (Assigned)

B166873 Baden, et al. (Not for Publication)
v.
Thomas

The order is affirmed. Costs on appeal are awarded to respondents.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

[illegible]

The order requiring appellant to register as a gang member pursuant to the provisions of Penal Code section 186.30 is reversed, and in all other respects the judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

April 21, 2004 (Continued)

DIVISION FIVE

B166110 Carla Roberson, et al. (Not for Publication)
 v.
 James E. Lofton, et al.

The summary judgment is reversed. Plaintiffs are awarded costs.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SIX

B166832 People (Not for Publication)
 v.
 Berberyman

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B168959 People (Not for Publication)
 v.
 Raul C.

The judgment (CYA commitment order) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SEVEN

B163168 The Garment Workers Center, et al. (Certified for Publication)
v.
Superior Court, Los Angeles County
(Fashion 21, Inc., et al., r.p.i.)

Let a peremptory writ of mandate issue directing the trial court to vacate its order granting plaintiff Fashion 21's motion to conduct a limited discovery as to defendants Garment Workers Center, Sweatshop Watch, JoAnn Lo and Kimi Lee and to issue a new and different order denying the motion. If, after briefing and argument on the SLAPP motion, the trial court determines Fashion 21 otherwise has a reasonable probability of success on the merits of its libel cause of action and actual malice is an issue in that cause of action, the court may consider issuing a discovery order limited to that issue. Petitioners are awarded their costs.

Johnson, J.

We concur: Perluss, P.J.
 Woods, J.

B163114 Fashion 21, et al. (Certified for Publication)
v.
Coalition for Humane Immigrant Rights of Los Angeles, et al.

The order denying the SLAPP motion is reversed. The trial court is directed upon remand to vacate its order and issue a new and different order striking plaintiffs' complaint against CHIRLA and Narro and awarding them costs and attorneys fees in accordance with Code of Civil Procedure section 425.16, subdivision(c).

Appellants are awarded their costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B160528 Lyle (Certified for Partial Publication)
v.
Warner Brothers Television Productions, et al.

As to defendants NBC Studios and Todd Stevens the judgment is affirmed as to all causes of actions and reversed and remanded for redetermination of attorney fees. The award of costs is reversed and remanded to the trial court for redetermination consistent with the views expressed in this opinion.

As to the remaining defendants the judgment is affirmed as to the causes of action for racial and gender discrimination and retaliation under FEHA and wrongful termination in violation of public policy (causes of action one through six) and reversed as to the causes of action for racial and sexual harassment in violation of FEHA (causes of action seven and eight). The orders awarding attorney fees and costs are reversed.

NBC Studios and Stevens are awarded their proportionate share of costs on appeal. The remaining parties are to bear their own costs on appeal.

Counsel for appellant are ordered to serve a copy of this opinion on the appellant within 10 days from the date this opinion becomes final as to this court and file its proof of service with the clerk of this court. The proof of service need not disclose the address where the opinion was served.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B162176 Page (Not for Publication)
v.
Los Angeles Times, et al.

The order denying defendants' motion to strike is reversed. The cause is remanded to the trial court with directions to issue a new order granting the motion and to award defendants costs and attorneys fees as allowed by law. Defendants are awarded their costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

April 21, 2004 (Continued)

DIVISION SEVEN (Continued)

B149425 People
v.
Robinson

Filed order denying petition for rehearing.

DIVISION EIGHT

B169446 People (Not for Publication)
v.
Lazaro C.,
In re LAZARO C., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B170054 Los Angeles County, D.C.S. (Not for Publication)
v.
Lance I.,
In re Christina I., a Person Coming Under the Juvenile Court Law.

The orders are affirmed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

DIVISION EIGHT (Continued)

B160819 Doug Williams (Not for Publication)
 v.
 Larry Russ, et al.

For the reasons set forth above, the judgment is reversed. Appellant to
recover his costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.

B168858 People (Not for Publication)
 v.
 Victor Valverde

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
 Flier, J.

B163282 People
 v.
 John W. Fucci

Filed order denying petition for rehearing.

B166169 People
 v.
 Alan Lane Curtis

Filed order denying petition for rehearing.